

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

STEVEN J. HAYS

PLAINTIFF

v.

Civil No. 06-5135

HUMBOLDT COUNTY PROSECUTORS
OFFICE, Humboldt County, California;
THE GOVERNOR'S OFFICE OF THE
STATE OF CALIFORNIA; HUMBOLDT
COUNTY, CALIFORNIA; THE STATE
OF CALIFORNIA; BENTON COUNTY
SHERIFF'S OFFICE, Benton County,
Arkansas; BENTON COUNTY JAIL;
THE GOVERNOR'S OFFICE OF THE
STATE OF ARKANSAS; BENTON
COUNTY; and THE STATE OF ARKANSAS

DEFENDANTS

ORDER

Plaintiff's complaint was filed in this case on July 19, 2006. Before the undersigned is the issue of whether the complaint should be served. In order to assist the court in making such determination, it is necessary that plaintiff provide additional information.

Accordingly, it is ordered that plaintiff, Steven J. Hays, complete and sign the attached addendum to his complaint, and return the same to the court **by August 25, 2006. Plaintiff is advised that should he fail to return the completed and executed addendum by August 25, 2006, his complaint may be dismissed without prejudice for failure to prosecute and/or for failure to obey an order of the court.**

IT IS SO ORDERED this 31st day of July 2006.

/s/ Beverly Stites Jones
UNITED STATES MAGISTRATE JUDGE

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ADDENDUM TO COMPLAINT

TO: STEVEN J. HAYS

This form is sent to you so that you may assist the court in making a determination as to the issue of whether the complaint should be served upon the defendants. Accordingly, it is required that you fill out this form and send it back to the court **by August 25, 2006**. Failure to do so will result in the dismissal of your complaint.

The response must be legibly handwritten or typewritten, and all questions must be answered completely in the proper space provided on this form. If you need additional space, you may attach additional sheets of paper to this addendum.

RESPONSE

In your complaint, you allege that you were arrested on a warrant out of Humboldt County, California, on August 26, 2005. You indicate you waived extradition, pled nolo contendere, served your sentence, and were released on January 23, 2006.

You allege you were placed in double jeopardy when the Humboldt County Prosecutors Office had you re-arrested on the charge on April 12, 2006. You indicate the Benton County Sheriff's Office only had to look at the date on the face of the warrant, October 5, 2005, to determine that you were incarcerated in the Benton County Jail on that date. Instead, you state they chose to violate the Constitution and place you in double jeopardy.

1. With respect to your arrest on August 26, 2005, please state: (a) what the charges were; (b) where the arrest occurred; (c) what court had issued the warrant; and (d) the date the warrant was issued.

Answer:

2. With respect to your plea, please state: (a) what day you entered your plea of nolo contendere; (b) what day you were sentenced on; (c) what court you were sentenced in; (d) what charges you pled to; and (d) what sentence you received.

Answer:

3. When did you finish serving your sentence and return to Arkansas?

Answer:

4. With respect to your arrest on April 12, 2006, please state: (a) what the charges were; (b) where the arrest occurred; (c) what court had issued the warrant; (d) the date the warrant was issued; and (e) who arrested you.

Answer:

[illegible]

5. When you were arrested did you tell the officer or officers that you believed this warrant was on the same charges you had already been sentenced on in California and that you had served your sentence?

Answer: Yes _____ No _____.

If you answered yes, please provide the court with the name of the officer or officers and indicate what response you received to your protests about the arrest.

Answer:

[illegible]

6. Were you booked into the Benton County Jail following your arrest on April 12, 2006?

Answer: Yes _____ No _____.

[illegible]

Answer: Yes _____ No _____.

[illegible]

If you answered no, please state whether a trial date has been set on the charges or what is happening with the charges.

[illegible]

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Humboldt County, California:

Benton County Jail:

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[illegible]

The State of Arkansas:

I CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS COVERED BY
THE VERIFICATION MADE BY ME ON MY INITIAL COMPLAINT.

STEVEN J. HAYS

DATE